

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1140-02
Bill No.: Truly Agreed To and Finally Passed SCS for HB 301
Subject: Mental Health; Mental Health Department
Type: Original
Date: June 3, 2013

Bill Summary: This proposal modifies provisions relating to civil commitment of sexually violent predators.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue *	(Over \$100,000)	(Over \$100,000)	(Over \$100,000)
Total Estimated Net Effect on General Revenue Fund*	(Over \$100,000)	(Over \$100,000)	(Over \$100,000)

* Costs to the Department of Corrections could exceed \$1,000,000

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government*	\$0	\$0	\$0

*Fiscal impact to the City of St. Louis nets to zero.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services, Department of Mental Health, Office of the State Courts Administrator, Department of Insurance, Financial Institutions and Professional Registration** and the **Department of Public Safety - Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Joint Committee on Administrative Rules** state the legislation is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Department of Corrections (DOC)** state currently, the DOC cannot predict the number of new commitments or extended incarcerations which may result from the expansion of a sexually violent predator as outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per inmate) or through supervision provided by the Board of Probation and Parole (FY12 average of \$4.960 per offender, per day, or an annual cost of \$1,810 per offender).

DOC would be required to provide oversight and monitor the effectiveness of the new reentry program outlined in this bill. It is unknown the exact number of staff or program enhancements that would be required and what the resulting fiscal impact would be for each year. Some cost avoidance might exist if this program results in reduced recidivism to these former offenders, but it is not possible to assess the impact until more specific details concerning the operation of the program are known.

Reentry services are currently provided for offenders under supervision by the DOC and there is no discrimination as to where those offenders locate upon release to the community. Creation of a reentry program specific to offenders released to St. Louis City could financially impact reentry services to all offenders.

ASSUMPTION (continued)

This program is designed to provide services to those who have served their full sentence. The DOC does not currently provide services to those offenders as they are no longer under the supervision of the department and they would ordinarily be eligible for community-based services provided to all citizens of the state. If the funding is appropriated and passed through the DOC budget to the City of St. Louis, this would be a significant cost to the state.

In summary, supervision by the DOC through probation or incarceration would result in additional costs to the department and the exact fiscal impact is unknown.

Officials from the **Department of Elementary and Secondary Education (DESE)** state there is no anticipated state cost to the foundation formula associated with this proposal. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to school districts increases the deduction in the foundation formula the following year. Therefore the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

Officials from the **Department of Social Services (DOS)** state the bill makes many revisions to the criminal statutes regarding sexual offenses, the sexual offender registry, and related statutes that reference sexual offenses, including real estate broker's licensing requirements, some educational statutes, and Section 211.447, which allows termination of parental rights when the child is conceived as a result of rape. Overall, there is no fiscal impact to the Department of Social Services.

Subsections 43.650.5 and 589.402.5 provide that no information about offenders whose offense was committed when the offender was a juvenile and who is registered in the Sexual Offender Registry shall be publically available on the Highway Patrol's website. Effective August 28, 2013, any offender currently on the website who was required to register as a sex offender based on an offense that occurred when such offender was a juvenile shall be immediately removed from the website. For purposes of this subsection, "juvenile" means any person under 18 years of age.

A similar provision was in HB 589 from this year. In response to that bill, the Division of Youth Services (DYS) indicated that removal from the website would affect some youth served by DHS, but there would be no fiscal impact.

RS:LR:OD

ASSUMPTION (continued)

In response to a similar proposal from this year (SB 188), officials from the **Office of Prosecution Services** assumed the bill would not fiscally impact their agency.

Based upon the Department of Corrections' response, **Oversight** will assume an annual cost of over \$100,000 (with a footnote of "could exceed \$1,000,000") to the Department of Corrections to fund this program. Oversight considers the reduced recidivism that may result because of this proposal would be an indirect impact of the program, and has not reflected it in this fiscal note.

Officials from the Office of the Secretary of State did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
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GENERAL REVENUE

Costs - Department of Corrections *

Establishes a prisoner re-entry program for prisoners who have served their full sentences and locate to St. Louis upon release	\$217.738	(Over \$100,000)	(Over \$100,000)	(Over \$100,000)
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Costs - Department of Corrections

Incarceration / Supervision of offenders	(Unknown)	(Unknown)	(Unknown)
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ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(Over \$100,000)</u>	<u>(Over \$100,000)</u>	<u>(Over \$100,000)</u>
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* Could exceed \$1,000,000

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
CITY OF ST. LOUIS			
<u>Income</u> - state appropriation from the Department of Corrections to fund the program*	Over \$100,000	Over \$100,000	Over \$100,000
<u>Costs</u> - contract expense for re-entry services for*	<u>(Over \$100,000)</u>	<u>(Over \$100,000)</u>	<u>(Over \$100,000)</u>
ESTIMATED NET EFFECT TO THE CITY OF ST. LOUIS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

* Could exceed \$1,000,000

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill changes the laws regarding certain sexual offenses and sexually violent offenders and establishes a prisoner re-entry program for certain offenders.

The proposal has an emergency clause for Sections 556.061, 568.060 and 632.480.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Department of Mental Health
Attorney General's Office
Office of the State Courts Administrator
Department of Corrections
Office of Prosecution Services
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Social Services
Joint Committee on Administrative Rules
Department of Insurance, Financial Institutions and Professional Registration

Not Responding:

Office of the Secretary of State



Ross Strope
Acting Director
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